

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF VERMONT  
FEDERAL BUILDING  
BURLINGTON, VERMONT 05402-0945

JEFFREY S. EATON  
CLERK

☐ P.O. BOX 945  
BURLINGTON 05402-0945  
(802) 951-6301  
☐ P.O. BOX 998  
BRATTLEBORO 05302-0998  
(802) 254-0250  
☐ P.O. BOX 607  
RUTLAND 05702-0607  
(802) 773-0245

August 29, 2011

Robert C. Heinemann, Clerk of Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *USA v. Balandra, Henry M.*  
Our Docket No: 2:02-cr-34-1  
Your Docket No. 11-cr-568

Dear Clerk of Court:

Enclosed are certified copies of the Indictment, Plea Agreement, Judgment, and docket entries for the above cited case which has been transferred to your district pursuant to the filed Probation Form 22 – Transfer of Jurisdiction (original enclosed).

Please acknowledge receipt on the copy of this letter provided.

Sincerely,

Jeffrey S. Eaton  
Clerk of Court  
BY: *Jo/Joia Wright*  
Operations Supervisor

Copy to:  
Paul J. Van de Graaf, AUSA, Burlington  
David J. Williams, Esq., Burlington, VT  
U.S. Probation Office, Burlington, VT

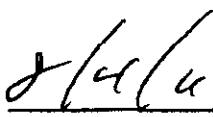
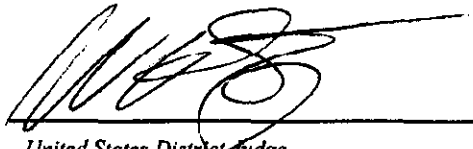
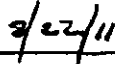

RECEIVED ABOVE MATERIALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

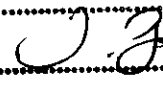
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

BROOKLYN OFFICE

★ AUG 30 2011 ★  
U.S. DISTRICT COURT E.D.N.Y.  
IN CLERK'S OFFICE  
FILED

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Trans. Court) 2:02-34-01	
<b>TRANSFER OF JURISDICTION</b>		<b>CR-11 0568</b>	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:  Henry Balandra Eastern District of New York	DISTRICT  DISTRICT OF VERMONT	DIVISION  Burlington	
	NAME OF SENTENCING JUDGE  The Hon. William K. Sessions III		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM January 28, 2011	TO January 27, 2014
OFFENSE  Distribution of Cocaine, 21 U.S.C. 841(a)(1), (b)(1)(C) Use of a Firearm in a Drug Trafficking Crime, 18 U.S.C. 924(c)(1)(A)(i)			
<b>PART 1 - ORDER TRANSFERRING JURISDICTION</b>			
UNITED STATES DISTRICT COURT FOR THE "DISTRICT OF VERMONT"			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Eastern District of New York upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">             Date         </div> <div style="width: 45%;">             United States District Judge         </div> </div>			
*This sentence may be deleted in the discretion of the transferring Court.			
<b>PART 2 - ORDER ACCEPTING JURISDICTION</b>			
UNITED STATES DISTRICT COURT FOR THE Eastern District of New York			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">             Effective Date         </div> <div style="width: 45%;">             United States District Judge         </div> </div>			

<b>A TRUE COPY</b>	
<b>ATTEST</b> 8/23/11	
<b>ROBERT C. HEINEMANN</b>	
BY  <b>CLERK</b>	
<b>DEPUTY CLERK</b>	

**CERTIFIED  
COPY**

**U.S. District Court  
District of Vermont (Burlington)  
CRIMINAL DOCKET FOR CASE #: 2:02-cr-00034-wks All Defendants**

Case title: United States of America v. Balandra  
Magistrate judge number: 2:02-mj-00001

Date Filed: 03/28/2002  
Date Terminated: 04/08/2003

Assigned to: Judge William K.  
Sessions III

**Defendant (1)**

**Henry M Balandra**  
*TERMINATED: 04/08/2003*

represented by **FPD**

Office of the Federal Public Defender  
District of Vermont  
126 College Street, Suite 410  
Burlington, VT 05401  
(802) 862-6990  
Email: [sarah\\_degray@fd.org](mailto:sarah_degray@fd.org)  
*TERMINATED: 04/30/2002*  
**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community  
Defender Appointment*

**David J. Williams, Esq.**  
Jarvis, McArthur & Williams, LLC  
95 St. Paul Street, Suite 2E  
P.O. Box 902  
Burlington, VT 05402-0902  
(802) 658-9411  
Fax: 802-658-3551  
Email: [dwilliams@jarvismcARTHUR.com](mailto:dwilliams@jarvismcARTHUR.com)  
**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Disposition**

Imprisonment for a term of 45 months on Ct.2 and  
60 months on Ct.3 consecutive for a total term of  
105 months; to be served concurrent to  
undischarged state sentence; to be followed by 3  
years S/R with conditions including: no  
firearms/weapons; participation in a substance  
abuse program with testing, costs &no alcohol.  
Imprisonment for a term of 45 months on Ct.2 and  
60 months on Ct.3 consecutive for a total term of  
105 months; to be served concurrent to  
undischarged state sentence; to be followed by 3  
years S/R with conditions including: no  
firearms/weapons; participation in a substance  
abuse program with testing, costs &no alcohol.

**Pending Counts**

21:841(a)(1); 18:2=ND.F  
NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE -  
possession of cocaine w/intent to  
distribute  
(2)

18:924(c)(1)(A); 21:841(a); 18:2.F  
VIOLENT  
CRIME/DRUGS/MACHINE GUN -  
possessed firearms in furtherance of  
drug trafficking  
(3)

**Highest Offense Level (Opening)**  
Felony

Date Filed	#	Docket Text
01/16/2002		ARREST WARRANT ISSUED for Henry M Balandra by Magistrate Judge Jerome J. Niedermeyer [ 2:02-m -1 ] (jlf) (Entered: 01/17/2002)
01/17/2002	1	COMPLAINT against Henry M Balandra by USA Carol L. Shea [ 2:02-m -1 ] (jlf) (Entered: 01/17/2002)

**Paul J. Van de Graaf, AUSA**  
 United States Attorney's Office  
 District of Vermont  
 P.O. Box 570  
 Burlington, VT 05402-0570  
 (802) 951-6725  
 Email: paul.van.de.graaf@usdoj.gov  
 ATTORNEY TO BE NOTICED

**Thomas D. Anderson, Esq.**  
 Office of the United States Attorney  
 District of Vermont  
 P.O. Box 570  
 Burlington, VT 05402-0570  
 (802) 951-6725  
 Email: thomas.anderson@usdoj.gov  
 TERMINATED: 08/26/2011  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Carol L. Shea**  
 United States Attorney's Office  
 District of Vermont  
 P.O. Box 570  
 Burlington, VT 05402-0570  
 (802) 951-6725  
 Fax: (802) 951-6540  
 Email: carol.shea@usdoj.gov  
 TERMINATED: 10/17/2002  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Plaintiff**  
 United States of America

represented by **Carol L. Shea**

## Disposition

## Complaints

None

## Highest Offense Level (Terminated)

Felony

21:841(a)(1), (b)(1)(B); 18:2-ND.F  
 NARCOTICS - SELL,  
 DISTRIBUTE, OR DISPENSE -  
 possession cocaine base w/intent  
 distribute  
 (1)  
 18:922(g)(9).F UNLAWFUL  
 TRANSPORT OF FIREARMS, ETC.  
 - felon in possession  
 (4)

Dismissed upon motion by govt.

## Disposition

## Terminated Counts

Dismissed upon motion by govt.

03/28/2002		RECORD OF GRAND JURORS CONCURRING (law) (Entered: 03/28/2002)
03/28/2002	2	INDICTMENT by USA Counts filed against Henry M Balandra (1) count(s) 1, 2, 3, 4; Cy to USAO, USPO (law) (Entered: 03/28/2002)
03/28/2002		File sent to Burlington as to defendant Henry M Balandra (law) (Entered: 03/28/2002)
04/08/2002	3	NOTICE OF HEARING; arraignment set for 11:00 4/30/02 for Henry M Balandra Cy to affected parties, USPO (jlf) (Entered: 04/08/2002)
04/15/2002		WRIT OF HABEAS CORPUS AD PROSEQUENDUM ISSUED to USM as to Henry M Balandra (pjd) (Entered: 04/15/2002)
04/26/2002	4	ORDER OF APPOINTMENT as to Henry M Balandra Attorney FPD (jlf) (Entered: 04/29/2002)
04/29/2002	5	MOTION for detention by USA as to Henry M Balandra (pjd) (Entered: 04/29/2002)
04/30/2002	6	MOTION to dismiss complaint without prejudice by USA as to Henry M Balandra (pjd) (Entered: 04/30/2002)
04/30/2002		MINUTES: before Magistrate Judge Jerome J. Niedermeier (Ct Rpt: taped) initial appearance of Henry M Balandra Attorney Barbara O'Connor, AFPD present; Carol Shea, AUSA present for Govt. Arraignment held on 4/30/02, dtf Henry M Balandra arraigned; not guilty plea entered. Govt moves for detention; no opposition by deft. ORDERED: Dft to be detained pending trial. (jlf) (Entered: 04/30/2002)
04/30/2002	7	CJA FORM 23 (Financial Affidavit) as to Henry M Balandra (jlf) (Entered: 04/30/2002)
04/30/2002		CJA Form 20 (Appointment of Counsel) as to Henry M Balandra Attorney David J. Williams attorney FPD for Henry M Balandra (law) (Entered: 07/23/2002)
05/01/2002	8	CRIMINAL PRETRIAL ORDER setting Motion Filing deadline for 5/24/02, Jury Draw set for 6/11/02 ( Magistrate Judge Jerome J. Niedermeier ) (cc: all counsel) (law) (Entered: 05/01/2002)
05/01/2002	9	DETENTION ORDER by Magistrate Judge Jerome J. Niedermeier as to Henry M Balandra cc: all counsel, USPO, USM (law) (Entered: 05/01/2002)
05/07/2002		ENDORSED ORDER granting [6-1] motion to dismiss complaint without prejudice ( Judge William K. Sessions III )Cy to parties (See referenced doc. for image) (pjd) (Entered: 05/07/2002)
05/08/2002	10	ARREST WARRANT RETURNED EXECUTED as to defendant Henry M Balandra; defendant arrested on 4/30/02 (law) (Entered: 05/09/2002)
05/21/2002	11	MOTION to continue motions deadline by Henry M Balandra (pjd) (Entered: 05/21/2002)
05/23/2002	12	ORDER by Judge William K. Sessions III granting [11-1] motion to continue motions deadline; pretrial motions due 7/24/02 for Henry M Balandra jury draw cancelled on 5/23/02, excludable XT, time excluded from 5/24/02 to 7/24/02 (cc: all counsel) (pjd) (Entered: 05/23/2002)
07/10/2002	13	MOTION to continue motions deadline by Henry M Balandra (pjd) (Entered: 07/10/2002)
07/22/2002	14	ORDER by Chief Judge William K. Sessions III granting [13-1] motion to continue motions deadline; pretrial motions due 8/24/02 for Henry M Balandra, excludable XT, time excluded from 7/24/02 to 8/24/02 (cc: all counsel) (pjd) (Entered: 07/22/2002)
08/23/2002	15	MOTION to continue motions deadline by Henry M Balandra (pjd) (Entered: 08/23/2002)

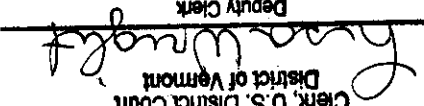
08/28/2002	16	NOTICE OF HEARING ; jury draw as the No.4 criminal case set for 1:00 10/8/02 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 08/28/2002)
08/28/2002	17	ORDER by Chief Judge William K. Sessions III granting [15-1] motion to continue motions deadline ; pretrial motions due 9/6/02 for Henry M Balandra jury draw cancelled on 8/28/02, excludable XT, time excluded from 8/24/02 to 9/6/02 (cc: all counsel) (pjf) Modified on 08/28/2002 (Entered: 08/28/2002)
08/29/2002	18	AMENDED ORDER jury draw set for 1:00 10/8/02 as No. 4 case for Henry M Balandra voir dire etc due by 10/1/02 change of plea by 10/4/02 Cy to affected parties (pjf) (Entered: 08/29/2002)
09/25/2002	19	UNOPPOSED MOTION to Continue Jury Draw by USA as to Henry M Balandra (law) (Entered: 09/25/2002)
09/27/2002	20	ORDER jury draw set for 1:00 11/6/02 for Henry M Balandra as No. 5 case voir dire etc due by 10/30/02 change of plea by 11/1/02 Cy to affected parties (pjf) (Entered: 09/27/2002)
09/27/2002	21	ORDER by Chief Judge William K. Sessions III granting [19-1] motion to Continue Jury Draw ; jury draw set for 1:00 11/6/02 for Henry M Balandra as No. 5 case, excludable XT, time excluded from 9/24/02 to 11/6/02 (cc: all counsel) (pjf) (Entered: 09/27/2002)
09/30/2002	22	REVISED NOTICE OF HEARING ; jury draw set for 1:00 11/6/02 for Henry M Balandra as the No.5 criminal case. Cy to affected parties, USPO (jam) (Entered: 09/30/2002)
10/10/2002	23	REVISED NOTICE OF HEARING ; jury draw set for 9:30 11/6/02 as the No.5 criminal case for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 10/10/2002)
10/16/2002	24	NOTICE OF HEARING ; pretrial conference and/or change of plea set for 10:30 10/31/02 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 10/17/2002)
10/31/2002	25	PLEA AGREEMENT as to Henry M Balandra (jam) (Entered: 10/31/2002)
10/31/2002		MINUTES: before Chief Judge William K. Sessions III (Ct Rptr: Nichols) change of plea hearing held as to dft Balandra; pretrial conference cancelled on 10/31/02. Dft present with counsel David Williams; Thomas Anderson present for govt. Clerk swears dft & Court makes inquiries. Court informs dft of maximum penalties. Guilty plea entered by Henry M Balandra to count(s) 2 Court informs dft of rights being waived and plea agreement reviewed. Statement of facts by govt. Court makes findings; accepts guilty plea; acceptance of plea agreement deferred; PSR to be completed by USPO. Jury draw set for 11/6/02 cancelled on 10/31/02, sentencing hearing set for 2:30 1/27/03 for Henry M Balandra. Dft remains detained pending sentencing. (jam) (Entered: 10/31/2002)
10/31/2002	26	NOTICE OF HEARING ; sentencing hearing set for 2:30 1/27/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 10/31/2002)
11/01/2002	27	PROCEDURAL AND SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing set for 2:30 1/27/03 for Henry M Balandra (Cy to affected parties) (pjf) (Entered: 11/01/2002)
12/04/2002	28	EX PARTE MOTION SEALED by USA as to Henry M Balandra (law) (Entered: 12/04/2002)
12/05/2002	29	ORDER by Chief Judge William K. Sessions III granting [28-1] motion SEALED (cc: movant only) (law) (Entered: 12/05/2002)
01/17/2003	30	REVISED NOTICE OF HEARING ; sentencing hearing set for 2:30 3/5/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 01/17/2003)
01/17/2003	31	AMENDED PROCEDURAL ORDER SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing set for 2:30 3/5/03 for Henry M Balandra (Cy to affected parties, USPO) (law) (Entered: 01/17/2003)



01/29/2003	32	TRANSCRIPT of Change of Plea held 10/31/02 as to dft Henry M Balandra (law) (Entered: 01/30/2003)
02/26/2003	33	MOTION to Continue Sentencing Hearing by Henry M Balandra (law) (Entered: 02/26/2003)
02/28/2003		ENDORSED ORDER granting [33-1] Cy to parties (See referenced doc. for image) Chief Judge William K. Sessions III (Cy to parties (See referenced doc. for image)) (jse) (Entered: 02/28/2003)
02/28/2003	34	2ND REVISED NOTICE OF HEARING ; sentencing hearing set for 2:30 4/8/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 02/28/2003)
03/03/2003	35	AMENDED PROCEDURAL AND SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing set for 2:30 4/8/03 for Henry M Balandra (Cy to affected parties) (law) (Entered: 03/03/2003)
03/31/2003	36	MOTION to Continue Sentencing Hearing by Henry M Balandra (law) (Entered: 03/31/2003)
04/02/2003	37	3RD REVISED NOTICE OF HEARING ; sentencing hearing set for 10:30 4/7/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 04/03/2003)
04/02/2003		ENDORSED ORDER granting [36-1] motion to Continue Sentencing Hearing (Chief Judge William K. Sessions III) Cy to parties (See referenced doc. for image) (cls) (Entered: 04/03/2003)
04/03/2003	38	PROCEDURAL AND SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing set for 10:30 4/7/03 for Henry M Balandra (Cy to affected parties) (cls) (Entered: 04/03/2003)
04/07/2003	39	SENTENCING MEMORANDUM as to Henry M Balandra by Henry M Balandra (jse) (Entered: 04/07/2003)
04/07/2003	40	MOTION to strike references to testimony of Mercedes Balandra in paragraphs 12 and 16 of PSR and the four point sentencing enhancement based on that testimony by Henry M Balandra (jse) (Entered: 04/07/2003)
04/07/2003	41	4TH REVISED NOTICE OF HEARING ; sentencing hearing set for 9:30 4/8/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 04/07/2003)
04/07/2003	42	MOTION for downward departure by USA as to Henry M Balandra (NEXT ENTRY PART OF SAME DOCUMENT) (jse) (Entered: 04/07/2003)
04/07/2003	42	SENTENCING MEMORANDUM as to Henry M Balandra by USA (PREVIOUS ENTRY PART OF SAME DOCUMENT) (jse) (Entered: 04/07/2003)
04/08/2003		MINUTES: before Chief Judge William K. Sessions III (Ct Rptr: Nichols) sentencing hearing held on 4/8/03 as to dft Balandra. Dft present with counsel David Williams; Thomas Anderson present for govt. Statements by counsel re: outstanding issues & downward departure. Statements by dft prior to imposition of sentence. Court makes findings; upon agreement of the parties, granting govt's [42-1] motion for downward departure, denying motion to strike references to testimony of Mercedes Balandra in paragraphs 12 and 16 of PSR and the four point sentencing enhancement based on that testimony [40-1]. SENTENCE: sentencing Henry M Balandra (1) count(s) 2, 3 . Imprisonment for a term of 45 months on Ct.2 and 60 months on Ct.3 consecutive for a total term of 105 months; to be served concurrent to undischarged state sentence; to be followed by 3 years S/R with program with testing, costs & no alcohol. Fines wvd; S/A of \$200 due immediately. Court recds to BOP participation in 500 hour program, vocational program & educational programs and placement as close to family as possible. Dismissing counts as to Henry M Balandra (1) count(s) 1, 4 . Dismissed upon motion by govt. Dft notified of right to appeal & remanded to custody of USM. (jam) (Entered: 04/08/2003)
04/08/2003	43	JUDGMENT AND COMMITMENT as to Henry M Balandra terminating party Henry M Balandra , case terminated by Chief Judge William K. Sessions III (cc: all counsel, USPO & USM) (jam) (Entered: 04/09/2003)

I hereby attest and certify on August 29, 2011 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

JEFFREY S. EATON  
Clerk, U.S. District Court  
District of Vermont

By:   
Deputy Clerk

12/30/2003	44	WRIT OF HABEAS CORPUS AD PROSECUTENDUM RETURNED EXECUTED on 04/30/02 as to Henry M Balandra (law) (Entered: 12/31/2003)
08/26/2011		Attorney substitution as to Henry M Balandra. Attorney Paul J. Van de Graaf, AUSA for United States of America added. Attorney Thomas D. Anderson, Esq terminated. (law) (Entered: 08/29/2011)
08/26/2011	45	PROBATION FORM 22 - Probation Jurisdiction Transferred to Eastern District of New York as to Henry M Balandra. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, plea agreement, judgment and docket sheet. (Attachments: # 1 Letter to Eastern District of New York (dated 8/29/2011))(law) (Entered: 08/29/2011)





DEFENDANT: HENRY M. BALANDRA  
CASE NUMBER: 2:02-CR-34-01

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 105 months and 45 months on Count 2 and 60 months on count 3 consecutive. Concurrent to undischarged state sentence.

X The court makes the following recommendations to the Bureau of Prisons:  
that this defendant be allowed to participate in the 500 hour drug and alcohol rehabilitation program offered Further, that this defendant participate in vocational training and educational programs offered and that he placed in a facility as close to residence as possible.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on \_\_\_\_\_  
as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_  
as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_ Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL  
By  
DEPUTY UNITED STATES MARSHAL

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informant or a special agent of a law enforcement agency without permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm defendant's compliance with such notification requirement.

## STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 day of release from imprisonment and at least two periodic drug tests thereafter.
- For offenses committed on or after September 13, 1994:*
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not commit another federal, state or local crime.
- The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years

## SUPERVISED RELEASE

CASE NUMBER: 2:02-CR-34-01

DEFENDANT: HENRY M. BALANDRA

Judgment—Page 3 of 6

AO 245B (Rev. 3/01) Judgment in a Criminal Case  
Sheet 3 — Supervised Release

AO 245B (Rev. 3/01) Judgment in a Criminal Case  
Sheet 3C — Supervised Release

Judgment—Page 4 of 6

DEFENDANT: HENRY M. BALANDRA  
CASE NUMBER: 2:02-CR-34-01

### SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not possess a firearm or other dangerous weapon.

The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or the availability of third party payment. The defendant shall refrain from the use of alcohol and other intoxicants during and after treatment.

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

- ☐ If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
  - ☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.
  - ☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

**TOTALS** \$ \_\_\_\_\_ \$ \_\_\_\_\_

Name of Payee	*Total Amount of Loss	Restitution Ordered Amount of	Priority Order or Percentage of Payment
If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in full prior to the United States receiving payment.			
<input type="checkbox"/> The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.			
<input type="checkbox"/> The determination of restitution is deferred until _____, An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.			

**TOTALS** \$ 200 **Assessment** \$ **Fine** \$ **Restitution**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

**CRIMINAL MONETARY PENALTIES**

DEFENDANT: HENRY M. BALANDRA  
CASE NUMBER: 2:02-CR-34-01  
Judgment — Page 5 of 6

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Defendant Name, Case Number, and Joint and Several Amount:

☐ Joint and Several

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ E Special instructions regarding the payment of criminal monetary penalties:
- ☐ D Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- ☐ C Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- ☐ B Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- ☐ \_\_\_\_\_, or ☐ in accordance with ☐ C, ☐ D, or ☐ E below; or
- ☐ not later than \_\_\_\_\_, or
- ☒ A Lump sum payment of \$ 200 due immediately, balance due

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

### SCHEDULE OF PAYMENTS

DEFENDANT: HENRY M. BALANDRA  
CASE NUMBER: 2:02-CR-34-01

Judgment — Page 6 of 6

1. HENRY BALANDRA agrees to plead guilty to Count 2 of the Indictment charging him with distribution of cocaine in violation of Title 21, United States Code, Section 841(a)(1); and Count 3 of the Indictment charging him with possession of a firearm in furtherance of a drug trafficking crime in violation of Title 18, United States Code, Section 924(c). 2. HENRY BALANDRA understands, agrees and has had explained to him by counsel that the Court may impose the following sentence on his plea: Count 2, not more than/up to 20 years of imprisonment, pursuant to Title 21, United States Code, Section 841(b)(1)(C); at least a three year period of supervised release, pursuant to 21 U.S.C. § 841(b)(1)(C); not more than a \$1,000,000 fine, pursuant to Title 21, United States Code, Section 841(b)(1)(C); and a \$100

BALANDRA. The United States of America, by and through the United States Attorney for the District of Vermont (hereafter "the United States"), and the defendant, HENRY BALANDRA, agree to the following in regard to the disposition of pending criminal charges against HENRY

PLEA AGREEMENT

UNITED STATES OF AMERICA )  
v. )  
HENRY BALANDRA )  
Defendant )  
Criminal No. 2:02-CR-34 )

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT  
10-31-02  
JRM  
U.S. DISTRICT COURT  
DISTRICT OF VERMONT

CERTIFIED  
COPY



United States. HENRY BALANDRA understands that this agreement requires that his any and all trials or other proceedings in the District of Vermont or elsewhere as requested by the and truthfully before any federal grand jury within the District of Vermont or elsewhere and in this cooperation. HENRY BALANDRA agrees he will testify under oath completely, candidly investigators and/or attorneys when requested by the United States Attorney's Office to further criminal activity or related matter. HENRY BALANDRA agrees that he will meet with in his possession or under his care, custody or control relating directly or indirectly to any investigators any and all documents, records, writings or tangible objects or materials of any kind which he has knowledge. HENRY BALANDRA will provide all federal, state and local possession relating directly or indirectly to any and all criminal activities or other matters of truthfully with all federal, state and local investigators by providing any and all information in his

4. HENRY BALANDRA agrees that he will cooperate completely, candidly and which he is charged.

defendant represents that he intends to plead guilty because he is, in fact, guilty of the crime with under oath and in accordance with Rule 11 of the Federal Rules of Criminal Procedure. The

3. It is the understanding of the parties to this agreement that the plea will be entered assessment. Full restitution may also be ordered.

\$250,000 fine, pursuant to Title 18, United States Code, Section 3571(b); and a \$100 special three year period of supervised release, pursuant to 18 U.S.C. § 3583(b); not more than a distribution charge, pursuant to Title 18, United States Code, Section 924(c); not more than a imprisonment of 5 years consecutive to any term of imprisonment imposed on the cocaine special assessment; Count 3, up to life imprisonment and a mandatory minimum term of

cooperation may continue even after the time that he has been sentenced by the Court.

5. HENRY BALANDRA agrees to waive his Fifth Amendment privilege against self-incrimination and his Sixth Amendment right to the assistance of counsel whenever he is required to provide information to the Government pursuant to this agreement.

6. HENRY BALANDRA agrees and understands that it is a condition of this agreement that he refrain from committing any further crimes whether federal, state or local and that, if on release, he will abide by all conditions of release. HENRY BALANDRA also understands that he is not to have any contact with any defendant or potential defendant in this case or in the case or cases in which he is cooperating without the prior authorization of the United States.

7. HENRY BALANDRA agrees and understands that this agreement is conditioned upon his providing the United States Attorney, at the time this plea agreement is executed, a bank cashier's check, certified check, or postal money order payable to the Clerk, United States District Court, in payment for the mandatory special assessment of \$100 for which he will be responsible when sentenced. The United States agrees to safeguard and pay the special assessment imposed at sentencing to the Clerk of the Court immediately after sentencing. In the event that this plea agreement is for any reason terminated or the defendant's guilty plea is not accepted by the Court, the special assessment shall be promptly refunded to HENRY BALANDRA. In the event that the tendered bank check is not honored for whatever reason, the defendant understands that he will still be liable for the amount of the special assessment which the Court imposes. HENRY BALANDRA understands and agrees that, if he fails to pay the special assessment in full prior to sentencing, the United States' obligations under this plea agreement will be terminated, the United States will have the right to prosecute HENRY BALANDRA for any other offenses he

may have committed, and will have the right to recommend the Court impose any lawful sentence. Under such circumstances, HENRY BALANDRA will have no right to withdraw his plea of guilty.

8. The United States agrees that in the event that HENRY BALANDRA fully and completely abides by all conditions of this agreement, the United States will:

(a) move to dismiss the remaining Counts of the Indictment at the time of sentencing;

(b) not prosecute him in the District of Vermont for any other criminal offenses known to the United States Attorney's Office as of the date of the signing of this plea agreement committed by him in the District of Vermont relative to cocaine distribution;

(c) make the nature and extent of his cooperation known to the Court;

(d) subject to the provisions of paragraph 10 herein, make a motion to allow the Court to depart from the Sentencing Guidelines pursuant to Guideline § 5K1.1 if the United States, in its sole discretion, determines that his cooperation has been sufficiently extraordinary to rise to the level of substantial assistance;

(e) recommend to the sentencing Court that he be sentenced to a term of imprisonment at the low end of the Sentencing Guidelines range applied by the Court in imposing the sentence; and

(f) recommend that he receive credit for acceptance of responsibility under Guideline Section 3E1.1, provided that he cooperates truthfully and completely with the Probation Office during the presentence investigation and abides by the conditions of his release and further provided that no new information comes to the attention

Procedure 11(e)(1)(C). The United States does not make any promises or representations as to

agreement other than an agreement between the parties pursuant to Federal Rule of Criminal

Court declines to follow any recommendation, motion or stipulation of the parties to this

within the sole discretion of the Court. The defendant may not withdraw his plea because the

11. HENRY BALANDRA fully understands that the sentence to be imposed on him is

there should be a two level reduction in the final offense level based on his cooperation.

BALANDRA further agree, pursuant to Federal Rule of Criminal Procedure 11(e)(1)(C), that

Sentencing Guidelines to depart from the Guidelines range, the United States and HENRY

10. In the event that the United States moves the Court pursuant to Section 5K1.1 of the

entered plea of guilty.

and agrees that, under such circumstances, he will have no right to withdraw his previously

other offenses he may have committed in the District of Vermont. The defendant understands

impose any sentence authorized by law and will have the right to prosecute the defendant for any

agreement will be void and the United States will have the right to recommend that the Court

misleading information to Probation, the United States' obligations under paragraph 8 of this

cooperate fully with the Probation Office, or has provided any intentionally false, incomplete or

any offense after the date of this agreement, or violated any condition of release, or has failed to

9. If the United States determines, in its sole discretion, that the defendant has committed

the charges in the indictment until the time of sentencing.

(g) Not oppose credit for time served in state custody from the date of arraignment on

for acceptance of responsibility.

of the United States Attorney's Office relative to the issue of his receiving credit

what sentence HENRY BALANDRA will receive. The United States specifically reserves the right to allocate at sentencing. There shall be no limit on the information the United States may present to the Court and the Probation Office relative to sentencing or the positions the United States may take regarding sentencing (except as specifically provided elsewhere in this agreement). The United States also reserves the right to correct any misstatement of fact made during the sentencing process, to oppose any motion to withdraw a plea of guilty previously entered and to support on appeal any decisions of the sentencing Court whether in agreement or in conflict with recommendations and stipulations of the parties.

12. Further HENRY BALANDRA fully understands that any estimates or predictions relative to the Guidelines calculations are not binding upon the Court. Thus, the defendant expressly acknowledges that in the event that any estimates or predictions by his attorney (or anyone else) are erroneous, those erroneous predictions will not provide grounds for withdrawal of his plea of guilty, modification of his sentence, or for appellate or post-conviction relief.

13. HENRY BALANDRA agrees and fully understands that in the event that the United States determines that he has failed to comply with any provision of this agreement; made any false statement to investigators or attorneys of the United States or willfully failed to disclose information pursuant to paragraph 4 of this agreement; made any false statements or committed any perjury before a grand jury, before any trial court, or at any other proceeding; had any unauthorized contact with any potential defendants in this case or in cases in which he is a potential witness pursuant to this agreement; or since the date of this agreement, committed any state, local or federal offense or has failed to disclose any crimes he has committed; the United States will have the right to: (1) terminate this agreement and prosecute him for any and all

has abided by all the conditions of this agreement and the determination of whether he has

and all offenses otherwise permissible. If the plea is withdrawn or vacated on motion of the

any kind, so that by pleading guilty he waives the right to a trial and the other rights enumerated self-incrimination; that if a plea of guilty is accepted by the Court, there will be no further trial of the right to confront and cross-examine adverse witnesses; that he has the right against compelled has the right to be tried by a jury and at that trial a right to the assistance of counsel; that he has acknowledges that he has the right to plead not guilty or to persist in a plea of not guilty; that he acknowledges that he understands the nature of the charges to which the plea is offered. He also 19. In voluntarily pleading guilty to the charges in the Indictment, HENRY BALANDRA/

benefits, pursuant to federal law, including 21 U.S.C. § 862 and § 862(a).

government benefits, including housing subsidies, food stamps, and some Social Security 18. HENRY BALANDRA is aware that his guilty plea may result in the loss of certain

range.

move for an upward or downward departure from the otherwise applicable Guidelines sentencing

17. Nothing in this agreement shall be construed as limiting the right of either party to

prosecuting authorities.

States Attorney for the District of Vermont and cannot bind other federal, state or local

16. It is further understood that this agreement is limited to the Office of the United

trial guarantees of the Constitution, or any other constitutional or statutory provision.

defense to the reprosecution of charges that he might have under the Speedy Trial Act, the speed;

under the applicable statute of limitations. The defendant also expressly agrees to waive any

disregarded in calculating whether the prosecution of any previously-dismissed charges is timely

between the signing of this agreement and the withdrawal or vacatur of the plea shall be

defendant, the defendant herein expressly agrees that the entire period of time that elapses



here.

20. HENRY BALANDRA expressly states that he makes this agreement of his own free will, with full knowledge and understanding of the agreement and with the advice and assistance of his counsel, David Watts, Esq. HENRY BALANDRA further states that his plea of guilty is not the result of any threats or of any promises beyond the provisions of this agreement. Furthermore, HENRY BALANDRA expressly states that he is fully satisfied with the representation provided to him by his attorney, David Watts, Esq., and has had full opportunity to consult with his attorney concerning this agreement, concerning the applicability and impact of the Sentencing Guidelines (including, but not limited to, the relevant conduct provisions of Guideline Section 1B1.3), and concerning the potential terms and conditions of supervised release.

21. No agreements have been made by the parties or their counsel other than those contained herein.

22. It is agreed that a copy of this agreement shall be filed with the Court before the time of the defendant's change of plea.

10

I hereby attest and certify on  
August 29 2011  
that  
the foregoing document is a full, true and correct  
copy of the original on file in my office, and in my  
legal custody.  
JEFFREY S. EATON  
Clerk, U.S. District Court  
District of Vermont  
BY: [Signature]  
Deputy Clerk

David Williams, Esq.  
Counsel for the Defendant

DATE  
10/31/02

I have read, fully reviewed and explained this agreement to my client, HENRY BALANDRA,  
and I hereby approve of it.

HENRY BALANDRA  
DEFENDANT

DATE

THOMAS D. ANDERSON  
Assistant U.S. Attorney

By:

PETER W. HALL  
United States Attorney

UNITED STATES OF AMERICA

Dated at Burlington, in the District of Vermont, this 31<sup>st</sup> day of October 2002.

(21 U.S.C. § 841(a)(1), (b)(1)(B); 18 U.S.C. § 2)

or substance containing a detectable amount of cocaine base.

The Grand Jury further charges that the conspiracy involved 5 grams or more of a mixture

cocaine base, a Schedule II controlled substance.

**BALANDRA**, did knowingly and intentionally possess with the intent to distribute a quantity of

On or about June 13, 2001, within the District of Vermont, the Defendant, **HENRY**

The Grand Jury Charges:

**COUNT 1**

**INDICTMENT**

**HENRY BALANDRA**

v.

**UNITED STATES OF AMERICA**

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)

Criminal No. 2:02-cr-34

DEPUTY CLERK

BY

CLERK

FOR THE DISTRICT OF VERMONT

UNITED STATES DISTRICT COURT

MAR 28 4 11 PM '02

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

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(21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

cocaine, a Schedule II controlled substance.

BALANDRA, did knowingly and intentionally possess with the intent to distribute a quantity of

On or about June 13, 2001, within the District of Vermont, the Defendant, HENRY

The Grand Jury further charges:

**COUNT 2**

(18 U.S.C. § 924(c)(1)(A); 21 U.S.C. § 841(a); 18 U.S.C. § 2)

controlled substances, with the intent to distribute.

crime, i.e., knowing and intentional possession of cocaine and cocaine base, Schedule II

pistol, manufactured by Hipoint, serial number 109509, in furtherance of a drug trafficking

manufactured by Hipoint, serial number P035445; and a semiautomatic model JS40 .40 caliber

BALANDRA, did knowingly possess firearms, to wit: a semiautomatic model "C" 9 mm pistol,

On or about June 13, 2001, within the District of Vermont, the Defendant, HENRY

The Grand Jury further charges:

**COUNT 3**

**COUNT 4**

The Grand Jury further charges:

In and around June 13, 2001, in the District of Vermont, HENRY BALANDRA, the Defendant, having been previously convicted in a court of a crime of domestic assault, to wit, Domestic Assault, Misdemeanor, in Vermont District Court in Washington Circuit, on January 31, 2001, knowingly and intentionally possessed, in or affecting commerce, firearms, to wit:

- (1) a semiautomatic model "C" 9 mm pistol, manufactured by Hipoint, serial number P035445; and

- (2) a semiautomatic model JS40 .40 caliber pistol, manufactured by Hipoint, serial

number 109509.

(18 U.S.C. § 922(g)(9))

A TRUE BILL  
FOREPERSON

I hereby attest and certify on August 29 2011 that the foregoing document is a full, true and correct copy of the original on file in my office, and in legal custody.

JEFFREY S. EATON  
Clerk, U.S. District Court  
District of Vermont  
BY: *Jeffrey S. Eaton*  
Deputy Clerk

4

PETER W. HALL  
United States Attorney  
Burlington, Vermont  
March 28, 2002

CLS